

Message Text

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71

ACTION IO-14

INFO OCT-01 EUR-25 NEA-10 ISO-00 AF-10 ARA-16 EA-11 RSC-01

OIC-04 DOTE-00 CAB-09 CIAE-00 COME-00 DODE-00 EB-11

INR-10 NSAE-00 FAA-00 SS-15 NSC-10 SPC-03 PRS-01 L-03

SCA-01 DRC-01 /156 W

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P R 131810Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 0750

INFO AMEMBASSY BEIRUT

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TEL AVIV

AMCONSUL MONTREAL

USMISSION USUN NEW YORK

UNCLAS ROME 9598

E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: THIRTEENTH REPORT
OF USDEL ASSEMBLY/DIPLOMATIC CONFERENCE, SEPT. 12

MONTREAL FOR US REP ICAO

PLS PASS: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

1. ICAO SECRETARIAT REP ANNOUNCED AT BEGINNING OF CONFERENCE
SESSION SEPT. 12 FOLLOWING STATES REQUESTED BY ASSEMBLY
PRESIDENT TO SERVE ON GROUP DRAFTING CHICAGO CONVENTION
AMENDMENTS: ALGERIA, ARGENTINA, CANADA, FRANCE, INDONESIA,
JAMAICA, JAPAN, KENYA, KUWAIT, SPAIN, UK, US AND USSR;
ALSO BELGIUM AND MEXICO WHICH LATER DECLINED AND
REPLACED BY NETHERLANDS AND POLAND.

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2. CHAIRMAN OF CONFERENCE COMMISSION OF WHOLE SAID QUESTIONS
OF PRINCIPLE WHICH HE HAD FORMULATED ON INDEPENDENT CONVENTION
MUST BE DECIDED BY END OF DAY SO WORK OF CONFERENCE COULD BE
CONCLUDED ON TIME. HE ACCORDINGLY LIMITED SPEAKERS TO TWO

MINUTES. IN ACCORDANCE US SUGGESTION COMMITTEE AGREED DISCUSS EACH SUBJECT AND THEN VOTE ON IT. IFALPA OPENED DEBATE SAYING BASIC OBJECTIVES OF CONFERENCE LOST IN LEGAL MAZE AND THAT SOME STATES WOULD RATHER SACRIFICE ICAO ACHIEVEMENTS IN AIR SAFETY THAN FOREGO ANY NATIONAL SOVEREIGNTY. ITF ASSOCIATED WITH IFALPA'S VIEWS.

3. DISCUSSION THEN COMMENCED ON FIRST THREE QUESTIONS:

QTE

1.A. SHOULD A NEW CONVENTION APPLY IN RESPECT OF STATE CONDUCT WITH REGARD TO ACTS OR OMISSIONS REFERRED TO IN THE HAGUE AND MONTREAL CONVENTIONS?

B. SHOULD A NEW CONVENTION COVER ALSO OTHER STATE CONDUCT WHICH CONSTITUTES A THREAT TO THE SAFETY OF INTERNATIONAL CIVIL AVIATION?

2. SHOULD THE NEW CONVENTION APPLY WHEN ACTS OF UNLAWFUL INTERFERENCE HAVE BEEN COMMITTED BY STATES? UNQTE
FRANCE QUESTIONED WHETHER 1B COVERED 2. US STATED 1A, B AND 2 NEED NOT BE IN CONFLICT AND THAT IT INTENDED VOTE AFFIRMATIVELY ON ALL THREE QUESTIONS. USSR AND OTHER SOVIET BLOC MEMBERS SAID THEY COULD NOT SUPPORT PROPOSAL IN 2 UNTIL IT HAD BEEN SUFFICIENTLY STUDIED, E.G. THROUGH REFERRAL TO ICAO LEGAL COMMITTEE. MEXICO, BRAZIL, INDIA, NIGERIA, PAKISTAN, BOLIVIA, RWANDA, BARBADOS AND COLOMBIA WANTED FURTHER EXPLANATION AS TO WHAT ACTS COVERED BY 1B. CHAIRMAN SAID THERE MIGHT BE FUTURE CONDUCT TO WHICH CONVENTION MIGHT APPLY. AUSTRALIA, JAMAICA, TRINIDAD AND TOBAGO, URUGUAY, ZAIRE AND NEW ZEALAND WERE AFFIRMATIVE ON ALL THREE QUESTIONS. FRANCE SAID UNLAWFUL INTERFERENCE SHOULD BE SOLVED BY AMENDMENT CHICAGO CONVENTION AND THEREFORE IT WOULD ABSTAIN. QATAR SUPPORTED FRANCE AS DID SENEGAL AND CENTRAL AFRICAN REPUBLIC. CAMEROON REQUESTED FURTHER QUESTION BE ADDED WHETHER NEW CONVENTION NEEDED. CONGO OPPOSED CONVENTION AND SAID IT WOULD VOTE NEGATIVELY. ROLL-CALL VOTE REQUESTED BY BELGIUM
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ON QUESTION 1A WAS 58(US)-2-31 AND ON 1B, 15(US)-20-57.
AFTER COFFEE BREAK ROLL-CALL VOTE REQUESTED BY FRANCE ON QUESTION 2 WAS 44(US)-4-44.

4. WHEN DEBATE BEGAN ON QUESTION 3,

"IS THERE A PREFERENCE FOR MACHINERY UNDER THE NEW CONVENTION TO UTILIZE:

- (A) A BODY OUTSIDE THE ICAO FRAMEWORK, OR
- (B) ONE OR MORE BODIES WITHIN THE ICAO FRAMEWORK, OR
- (C) THE FRAMEWORK OF THE ICAO, IN CONJUNCTION WITH AN OUTSIDE BODY?"

QATAR INTRODUCED A REVISED TEXT WHICH IT HAD CIRCULATED JOINTLY WITH GREECE:

"3A SHOULD THE MACHINERY UNDER A NEW CONVENTION, IF ANY, UTILIZE: ETC.

"3B WOULD THE USE OF ONE OR MORE ICAO BODIES REQUIRE AN AMENDMENT TO THE CHICAGO CONVENTION?" US SAID IF QATAR/GREEK AMENDMENT WAS TO BE CONSIDERED, SECTION 3B SHOULD BE VOTED ON FIRST AND AMENDED IN SUCH A WAY THAT CLEAR DISTINCTION WAS DRAWN BETWEEN CONVENTION MANDATING CERTAIN ACTION BY ICAO ORGANS AND CONVENTION INVITING ICAO ORGANS TO TAKE CERTAIN ACTIONS WITHIN THEIR ESTABLISHED COMPETENCE. OTHERWISE US NOTED, POSITIVE VOTE FOR 3B WOULD TERMINATE EFFORTS FOR CONVENTION SINCE AMENDMENT WOULD TAKE SEVERAL YEARS TO COME INTO FORCE. JAPAN COULD NOT AGREE WITH QUESTION 3B SINCE IT WOULD DEPEND ON FINAL FORM OF NEW CONVENTION. FRG SAID IT WAS LEGAL QUESTION AND ASKED DIRECTOR OF LEGAL BUREAU TO COMMENT. UGANDA THOUGHT "WOULD" SHOULD BE CHANGED TO "SHOULD"; QATAR AGREED. COMMISSION VOTED 67(US) IN FAVOR OF TAKING UP THE ORIGINAL QUESTION 3 FIRST.

5. ARGENTINA, SUPPORTED BY NICARAGUA, THOUGHT THERE WAS NO POSSIBILITY OF COMMISSION VOTING IN FAVOR OR AGAINST EACH ONE OF THREE POINTS UNDER QUESTION 3 AND THAT EACH DELEGATION SHOULD VOTE ONLY FOR ONE. VARIOUS DELS EXPLAINED THEIR VIEWS. USSR SAID ONLY USE OF ICAO ORGANS WOULD BE UNCLASSIFIED

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WITHIN FRAMEWORK OF ICAO AND THEREFORE CONSISTENT WITH COUNCIL RESOLUTION OF JUNE 19, 1972. USSR ACCORDINGLY SAID IT WOULD VOTE FOR 3B. US SUBSEQUENTLY SAID A COMMISSION OF EXPERTS REPORTING TO ICAO COUNCIL WOULD BE IN CONFORMITY WITH COUNCIL'S JUNE 19, 1972 RESOLUTION AND THAT IT WOULD VOTE IN FAVOR OF 3A AND C, AND ABSTAIN ON 3B. CONFERENCE THEN DISCUSSED ORDER IN WHICH QUESTION SHOULD BE VOTED UPON AND CONSEQUENCES OF SUCH VOTES. DIRECTOR OF LEGAL BUREAU THEN INTERVENED AND APPEARED TO RULE SUBSECTIONS A, B AND C OF QUESTION 3 WOULD BE VIEWED AS ALTERNATIVE MOTIONS. CONSEQUENTLY, IF 3A CARRIED, 3B AND C COULD NOT BE VOTED UPON. US THEN MOVED FOR BRIEF RECESS TO ATTEMPT REDUCE CONFUSION. FOLLOWING RECESS, CHAIRMAN SAID ABSTENTION ON 3A, B OR C WOULD NOT IMPLY APPROVAL OF CONVENTION. HE ALSO RULED QUESTIONS WOULD BE VOTED UPON AS REFLECTED IN PAPER AND THAT QUESTION PROPOSED BY QATAR/GREECE WOULD BE DEFERRED UNTIL LATER. HE ALSO APPEARED STATE THAT A, B AND C WERE NOT ALTERNATIVE MOTIONS; ACCORDINGLY, APPROVAL OF ONE WOULD NOT PRECLUDE VOTE ON OTHERS. AT THIS TIME IN RESPONSE TO SPECIFIC QUESTION, SWEDISH DEL SAID 3C ENCOMPASSED NORDIC PROPOSAL SINCE CONVOCAION OF STATES WAS BODY OUTSIDE ICAO. THIS EXPLANATION SUBSEQUENTLY ENABLED SOVDEL AND EE'S TO ABSTAIN RATHER THAN

OPPOSE 3C. ROLL-CALL VOTE REQUESTED BY FRANCE WAS 7(US)-68-15
ON 3A; 35-29-26(US) ON 3B; AND 37(US)-27-26 ON 3C.

6. AUSTRALIA, SUPPORTED BY FRANCE, PROPOSED WITHDRAWAL
OF QUESTION 4, "SHOULD THIS MACHINERY COMPRISE A BODY COMPOSED
OF INDEPENDENT PERSONS." AUSTRALIA SAID BODY OF INDEPENDENT
PERSONS NO LONGER RELEVANT SINCE 3A HAD BEEN DEFEATED AND BODY
OUTSIDE ICAO IN 3C IN LIGHT SWEDISH DEL'S EARLIER EXPLANATION
REFERRED ONLY TO CONVOCAION OF STATES. PRESIDENT APPEARED
AGREE DELETE OR DEFER QUESTION 4 AT WHICH POINT US SOUGHT TO
INTERVENE. THIS, HOWEVER, COINCIDED WITH AUSTRIAN MOTION
SUSPEND MEETING IN ORDER FOR PRESIDENT REDRAFT REMAINING
QUESTIONS. BELGIUM AND US SUPPORTED AND AUSTRALIA OPPOSED.
AUSTRIA THEN SAID ITS MOTION WAS ONE FOR ADJOURNMENT
AT WHICH POINT BELGIUM AND US WITHDREW SUPPORT WITH US EXPLA-
NATION IT HAD DESIRED ONLY BRIEF SUSPENSION TO CLARIFY SITUA-
TION. FRANCE, HOWEVER, SECONDED AUSTRIAN ADJOURNMENT MOTION.
BELGIUM THEN MADE PRIORITY MOTION FOR TEN MINUTE SUSPENSION
WHICH US SECONDED. VOTE WAS HELD DEFEATING SUSPENSION
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MOTION FOR WHICH US VOTED. VOTE WAS THEN HELD CARRYING
ADJOURNMENT MOTION 49-7(US).VOLPE

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